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Paper No. 8

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In re Application of :  
Le Page et al. :  
Application No. 10/091,007 :  
Filed: March 6, 2002 :  
Attorney Docket No. 62785.000002 :

**OFFICE OF PETITIONS**

ON PETITION

This decision concerns the June 6, 2002 "Response to Notice to File Missing Parts" and the July 9, 2003 "Renewed Petition under 37 CFR 1.53(e)." The submissions are being properly treated as a petition under 37 CFR 1.53 to correct the filing date in the above-referenced application.

The petition is **GRANTED**.

On March 6, 2002, the application was filed. On April 22, 2002, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" ("4/22/02 Notice"), stating that the application had been accorded a March 6, 2002 filing date, but that Figures 15-16 appeared to have been omitted from the application as filed on March 6, 2002.<sup>1</sup>

On June 6, 2002, Applicants responded to the 4/22/02 Notice and submitted Figures 15-16 and a declaration.

Subsequently, OIPE changed the filing date for this application to June 6, 2002, the date on which Figures 15 and 16 were filed.

The instant petition contends that the allegedly omitted Figures 15-16 were in fact filed with the other application papers on March 6, 2002. In support, the petition is accompanied by a copy of Applicants' postcard receipt which indicates receipt by the USPTO on March 6, 2002 of, *inter alia*, 110 pages of formal drawings for this application. The postcard receipt identifies the application by the name of the first inventor and title of invention. The petition also encloses copies of the Figures 15-16 (on sheets 109/110 and 110/110, respectively) allegedly filed on March 6, 2002.

The Office file for this application includes 108 sheets of drawings containing Figures 1 (sheets 1/110-98/110), 2 (sheet 99/110), 3 (sheet 100/110), 4 (sheet 101/110), 5 (sheet 102/110), 6 (sheet 103/110), 7 (sheet 104/110), 8-9 (sheet 105/110), 10-11 (sheet 106/110), 12 (sheet 107/110) and

<sup>1</sup> Also missing was an oath or declaration.

13-14 (sheet 108/110), but not Figures 15-16 or sheets 109-110/110. Based on the information contained in Applicants' postcard receipt, the Office concludes that the sheets of drawings containing Figures 15 and 16 had been filed and received by the USPTO on March 6, 2002, but were later misplaced. The petition is thus granted.

The 4/22/02 Notice is hereby vacated to the extent that it pertains to omitted Figures 15 and 16.

No petition fee is owed. The \$130 petition fee submitted with the petition has been credited to Deposit Account No. 50-0206 as authorized.

The application is being forwarded to OIPE for further processing with a filing date of March 6, 2002, using the papers filed on that date and supplemented with the drawings of Figures 15-16 submitted with the petition; for indicating in the USPTO record that 110 sheets of drawings were present upon filing; and for mailing a corrected filing receipt reflecting the March 6, 2002 filing date. Thereafter, the file will be returned to Technology Center 1600 to await a response to the restriction requirement set forth in the June 24, 2003 Office Action.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.

  
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